

REMARKS

This Application has been carefully reviewed in light of the Final Action issued June 23, 2008. Claims 1-20 are pending in this Application. In order to advance prosecution of this Application, Claims 5, 6, 11, 15, and 19 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 3, 4, 7, 8, 10, 12, 14, 16, 18, and 20 stand rejected under 35 U.S.C. §112, first paragraph, for containing subject matter not described in the specification. With respect to Claims 7, 8, 12, 16, and 20, Independent Claim 7 has been amended to provide a packet switch as part of the transmission system. Support for a packet switch can be found at page 1, lines 24-26, page 4, lines 1-6, and the Abstract of Applicant's specification. With respect to Claims 3, 4, 10, 14, and 18, Claims 3 and 10 have been amended to provide a packet switch as part of the apparatus. Support for a packet switch can be found at page 1, lines 24-26, page 4, lines 1-6, and the Abstract of Applicant's specification. The Examiner indicates that each of the means for encapsulating, setting, transporting, and extracting are not described in the specification. The specification states that the functions provided in these claims may be performed in computer systems, which include switching systems. See Page 2, lines 1-4; page 3, lines 15-27; page 6, lines 10-14; and elsewhere throughout Applicant's specification. Therefore, Applicant respectfully submits that Claims 3, 4, 10, 14, and 18 are in accordance with 35 U.S.C. §112, first paragraph.

Claims 5, 6, 11, 15, and 19 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 5, 6, 11, 15, and 19 have been amended to be directed to a computer-readable storage medium. Support for a computer

readable storage medium can be found at page 2, lines 1-4, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 5, 6, 11, 15, and 19 are in accordance with 35 U.S.C. §101.

Applicant notes with appreciation the allowance of Claims 1, 2, 9, 13, and 17. Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicant does not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

This Response to Examiner's Final Action is necessary to address the Examiner's current interpretation of the claims and Applicant's specification. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the current interpretation of the claims and the specification.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'Charles S. Fish', with a stylized flourish at the end.

Charles S. Fish

Reg. No. 35,870

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